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CENTRAL FAX CENTER

Practitioner's Docket No. 1279-281C1

JAN 12 2007

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Daniel E. Morse et al.

Application No.: 10/807,004  
Filed: March 22, 2004Group No.: 1712  
Examiner: Moore, Margaret OFor: METHOD, COMPOSITIONS AND BIOMIMETIC CATALYSTS FOR THE  
SYNTHESIS OF SILICA, POLYSIL-SEQUIOXANES...Facsimile  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

## Identification of Person(s) Making This Disclaimer

I, Robert Berliner, represent that I am the attorney of record.

## EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

DISCLAIMER  
(Obviousness-Type Double Patenting Rejection Over A Patent)

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of the patent granted on Patent No. 6,670,438 filed on July 16, 2001, as shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the patent granted on the above-listed application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of any patent granted on the application forming the basis of the double patenting rejection, namely, the patent granted on Patent No. 6,670,438 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner

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terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

**DISCLAIMER FEE (37 C.F.R. § 1.20(d))**

Small entity--fee \$65.00.

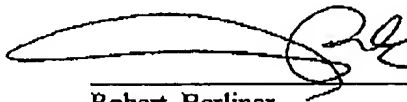
**RECEIVED  
CENTRAL FAX CENTER****JAN 12 2007****FEE PAYMENT**

Authorization is hereby made to charge the amount of \$65.00 to Deposit Account No. 50-3881.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Date: January 12, 2007

  
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